



MAYOR AND COUNCIL AGENDA

NO. DEPT.: Community Planning and Development Services
STAFF CONTACT: Somer Cross, Planner II

DATE PREPARED: 2/09/06
FOR MEETING OF: 2/27/06

SUBJECT: Discussion of recommendations from previously presented White Paper presentations.

RECOMMENDATION: Consider and affirm previous Mayor and Council direction based on staff's recommendations from previous White Paper presentations and discussion of the next steps in the process.

INTRODUCTION

With this agenda item, staff is seeking the Mayor and Council's reaffirmation of the previous zoning revision recommendations made through a number of presentations since January 2006. Staff will then take these recommendations, and previous recommendations from past papers and incorporate them into the zoning revision outline. As discussed in the public outreach paper, the outline will then be submitted to the Board and Citizen Review Committee for their review. Staff will return to the Mayor and Council when the review committee is finished with the outline review and submit the outline for the Mayor and Council's approval.

BACKGROUND

Starting in January with the Accessories presentation and ending in February with the Sidewalks discussion, staff presented the Mayor and Council with seven different topics involving the zoning revision. Specifically excluded from this discussion is the City Environment paper, which will be presented the same night as this presentation. These topics were:

1. **Accessories** (January 17, 2006)
2. **Approving Bodies** (January 26, 2006)
3. **Optional Methods / Special Development Procedures** (November 28, 2005 and January 26, 2006)
4. **Land Uses** (January 26, 2006)
5. **Green Requirements** (February 2, 2006)
6. **Parking** (February 2, 2006)
7. **Sidewalks** (February 2, 2006)

As the dates listed show, the Optional Method / Special Development Procedure presentation was held in two-parts because the information was so substantial.

Each paper has provided the Mayor and Council with:

1. An explanation of the terms and concepts of these planning topics as they are associated with a zoning revision;
2. An overview of different methods of addressing these planning issues used throughout the country; and
3. Recommendations of the methods that should be used in the zoning revision for the City of Rockville.

This is a substantial amount of information provided in a short amount of time. While all the information presented to date (including copies of the presentations) has been included in the Rockville Zoning Reference Book presented to Mayor and Council, before staff begins the next stage of the revision, staff would like to confirm with the Mayor and Council the recommendations that have been made. Some of these new policies will change the direction of zoning for the City of Rockville. Before the ordinance outline is circulated for review, staff would like to ensure that these policy recommendations are the direction the Mayor and Council would like to pursue.

The zoning revision process is a fluid one – some of the recommendations presented today may change in light of new information. At this time, staff would like to continue to develop the proposals listed below and in the Zoning Revision Topics checklist (Attachment 1). If any recommendations change at a later date, in light of new information, staff will return to the Mayor and Council for direction.

GENERAL DISCUSSION

The following list presents a quick review of each white paper – both the general topics of discussion and recommendations. A checklist of these recommendations is provided as an attachment to this agenda (Attachment 1). This checklist provides all the following recommendations and shows where these policies stand in the process to incorporate them into the new zoning regulations.

A. Accessories

1. General Discussion

This paper provided an explanation of the general requirements of accessory uses and structures as well as an overview of the types of regulations associated with accessories. In zoning terms, accessory uses and structures contribute to the comfort, convenience, and necessity of the occupants of the principal structure or use served on a lot. That principal use or structure may be a commercial, industrial, or residential development. An accessory use or structure should relate to the principal permitted use and/or structure in that it should be: necessary and customary; appropriate; incidental; and subordinate.

2. Recommendations

- Clarify in the zoning revision the differences:
 - Among different accessories (uses, structures, and types of structures such as building and other lot features like fences);
 - Between accessory and secondary uses and structures; and
 - Between residential and non-residential accessory buildings.
- Revise the home-based business section of the ordinance to regulate them based on the impact of the businesses on residential traffic and parking demand.
- Include a waiver provision so that the area on any historic accessory structure does not limit the ability to add a new garage or other modern accessory structure.
- Relax accessory apartment regulations in certain areas of the City.
- Revise and clarify the regulations for temporary uses.

B. Approving Bodies

1. General Discussion

This paper generally recommended to maintain the current board requirements and their review authority with few modifications proposed for the zoning revision. Staff is of the opinion that the policies and procedures of the City's boards are working fine in relation to

planning and zoning issues. The revision is an opportunity to clarify a few points and make some small changes.

2. Recommendations

- Include the same types of regulations provided in the ordinance for each board.
- Include the allowance of and procedures for administrative adjustments.
- Clarify the roles of Boards in land use decisions by providing more purpose language for each Board.

C. Optional Method / Special Development Procedure

1. General Discussion

Special development procedures allow for large tracts of land, under a single ownership, to be developed in a manner particular to that tract of land. These methods of development are an alternative to the existing zone requirements on that lot. In essence, these procedures allow a developer to design a project for a tract of land using development standards (such as building height, setback, and lot coverage requirements) unique to the project, within set limitations, so long as they meet the prescribed approval process and the established goals of the City provided for that type of development option.

This paper discussed the requirements for approval of the current “procedures” but also the requirements of 1) meeting set standards (such as being located in a certain zone, having a certain amount of land to develop, and including only the uses allowed in that type of development), and 2) meeting the purposes of that type of development that the city has established in the zoning regulations (to promote livability). In addition, this paper summarizes the concerns of the City’s current procedures and provides alternatives to be included in the revision.

2. Recommendations

- Include in the zoning revision the “**Amenity Development Option**” for creative developments, in order to ensure that the City acquires more amenities from development.
- Reduce the confusion of the multiple processes of approval for the current 6 “Special Development Procedures” into a single process entitled the “**Planned Development Procedure**.”
- Continue to consider additional alternative methods of development such as the overlay district and floating zones.

D. Land Uses

1. General Discussion

One of the most critical tasks in any zoning review is to update the land use classifications and the regulations associated with them. The Rockville comprehensive zoning revision will involve a number of updates to the land use regulations. The update will focus on better definitions given current trends and modern needs. The incorporation of form-based zoning regulations will require a different, broader scheme for land use regulation which will allow the City to better address the market, City desires, and emerging development trends in the new century.

2. Recommendations

- Retain current classifications in areas recommended to continue under traditional zoning, as modified and modernized. The one-family residential zones and the

industrial zones are expected to retain the traditional zoning pattern.

- Reorganize the use tables to make them user-friendly. This can include reorganizing the uses into general categories (broader / more inclusive) and alphabetizing the uses. Footnotes and/or cross-references to special regulations will be added as needed.
- Examine the special exceptions for appropriateness and revise the special regulations as needed.
- Clarify and add definitions to reflect new uses, or the changing character of older use classifications.
- Examine the process and procedure whereby publicly owned and publicly operated uses are processed.
- Add performance standards as deemed applicable.
- Apply regulations that emphasize the form of structures where the type of form to be regulated is recommended by the master and neighborhood plans. Land uses in these areas will likely be consolidated into encompassing categories, rather than specific use-by-use classifications.

E. Green Requirements

1. General Discussion

This paper is an introduction to the issues and considerations of “green” requirements as regulated in the Zoning Ordinance for the City of Rockville. For purpose of this paper, green requirements refer to those regulations in a zoning ordinance that mandate that the land have some vegetative cover versus some manmade covering (buildings, asphalt, cement, etc.). There are a number of green space requirements in the current zoning regulations. In addition, there are a number of alternative green regulations that can be included in the zoning revision.

2. Recommendations

- Ensure that all future Planned Development Procedures dedicate land or provide a fee in lieu for open space to the City and to specify the types of open space to be required.
- Provide two new residential regulations that would limit the amount of impervious surface in residential districts: a) a main building lot coverage limitation and b) minimum vegetative front yard covering requirement.
- Provide a design manual for screening and landscaping requirements in the City. The manual will be referenced in the zoning ordinance but particular issues of design will be provided in the manual.

F. Parking

1. General Discussion

Parking is a common concern that every community must address. Homeowners and business owners alike want to ensure that they will have a place for themselves to park as well as a place for their visitors. Parking considerations can affect all aspects of community planning, from traffic to housing prices, including pedestrian mobility, building density, the environment, and much more. Spaces for parking (both on and off-street) is one of the largest land uses, in urban and suburban areas, which makes the regulation and design of parking a very important issue for a zoning revision.

A zoning code can control any number of things associated with parking. Parking in a zoning ordinance is associated with the type of use to be developed on a lot. For example, a suburban mall will generate more parking needs than a fast-food restaurant. The standards of where, how much, and what parking looks like (size of spaces,

landscaping, exit/entrances) are all regulated through a zoning ordinance. Parking standards create a framework to guide the form, function, and effects of parking on the built environment.

2. Recommendations

- Reduce the amount of space dedicated to what are called “greyfields” (flat asphalt covered parking lots) by allowing parking space alternatives in mixed-use districts as discussed in the recommendations section of this paper (shared parking, reduction of spaces, etc.).
- Provide new, more extensive, parking lot design requirements.
- Maintain, to a large extent, the regulations associated with parking in Residential and Industrial districts.

G. Sidewalks

1. General Discussion

The Sidewalk Standards White Paper provided background information and recommendations for including sidewalk design standards in the zoning ordinance revision. This paper addressed only sidewalk provisions in commercial and mixed-use districts. Sidewalks in residential districts require different considerations such as smaller dimensions, lack of shopping areas, and creation of a different sense of place.

In planning and designing sidewalks, there needs to be a balance between maximizing pedestrian capacity/walking speeds and creating a pedestrian experience. Uses such as stadiums, tourist areas, and large “big box” centers require large, unobstructed sidewalks to move high volumes of pedestrians quickly. In outdoor shopping areas and main streets, the goal is to provide opportunities for interaction, window shopping, cafés, seating areas, and other amenities to attract and keep the pedestrian engaged.

2. Recommendations

- Provide new standards for various elements of a sidewalk.
- Ensure that the standards can vary based on location and related pedestrian traffic in different areas of the City.
- Activate wide areas by providing for streetscaping amenities such as trees, kiosks, benches, cafes, etc.

GENERAL ISSUES

Staff would like to raise three issues that will need additional discussion as this project progresses. Those issues are 1) the conflicting values of surface coverage priorities and their impacts on the ability to physically do redevelopment, 2) the impacts of the new regulations on the economical viability and future revenue for the City, and 3) the need for additional resources to insure compliance with the new regulations.

1. Conflicting Values Discussion

Over the past several meetings, the Mayor and Council have identified several priorities and discussed how priorities can sometimes be in conflict. As a result, prior to final adoption, the Mayor and Council will need to balance the desire to reduce imperviousness with wider parking spaces, street widths, wider sidewalks, etc. and with maximum desirable heights. These conflicting values will continue to be discussed several more times, prior to adoption of the final ordinance, to ensure that the new provisions of the revision reflect the appropriate balance between all of the values that Mayor and Council would like to implement.

2. Economic Impacts

The decreased opportunity for future development due to site regulations can have economic impacts in the City. In major metropolitan areas, like DC, it is unclear whether the growth controls push up the cost of land or if the already existing demand in the area will increase the cost. It is likely, despite the cause, that the cost of land in the City, with limited development opportunities, will rise. As the cost of land rises, it becomes more difficult to do redevelopment at a cost level the market can absorb. This is especially true for residential development.

In addition, increased site regulation demands can have an impact on City revenues in a number of ways. For instance, increased sidewalk widths and public spaces require additional maintenance costs – more salt is needed in the winter on sidewalks, more mowing/trimming / etc. is needed in parks and open spaces in the summer.

3. Additional Resources

A number of proposed changes will require additional staff and inspections to insure compliance with the regulations and conditions. In particular, the increased requirements for home based businesses, landscaping and screening requirements, and other additional design requirements in neighborhoods, will require more staff to enforce and administer. As the final language for the ordinance is drafted, staff will return to the Mayor and Council to provide analyses about what is needed to insure compliance.

CONCLUSION:

The adopted recommendations from the White Papers (broad research papers) and Issue Papers (more particular issue discussions on matters to be included in the zoning revision) will be important as the City enters the next stage of the zoning revision. The recommendations from the Mayor and Council will provide general policy direction as the process shifts to the Review Committee. The Review Committee will then oversee the outline and drafting stages of the revised ordinance for consideration by the Planning Commission and Mayor and Council.

While it is not planned to return to the Mayor and Council for regular presentations of the outline and drafting stages as we have with the White and Issue Papers, final approval of both the outline and draft will come before Mayor and Council. The White and Issue papers, however, are the best opportunity for the Mayor and Council, as a whole, to provide the overarching policy guidance that will be used in the next stages of the process.

There will be multiple opportunities for the community to participate in the upcoming revision. The zoning website (www.rockvillemd.gov/zoning) has been established to answer the initial questions of the community with regard to the revision (who is involved, what is the scheduled, etc.) and has all the previously presented papers available. Additional links to be updated include the PowerPoint presentations of each paper discussion and the attachments to each paper. The website also includes a calendar of upcoming meetings where the zoning ordinance will be discussed and where citizens can participate. In addition, a zoning e-mail address (zoning@rockvillemd.gov) has been created to which citizens may send any comments / concerns about the revision directly to zoning staff.

Staff has also prepared a brief presentation to give to individual neighborhood associations about the revision process. A notice has been sent out, through the neighborhood resources department, to

each neighborhood leader informing them of the ability of staff to give this presentation at an upcoming neighborhood meeting. It is the goal of staff, through the neighborhood presentations, to have a dialogue with citizens about their interests and concerns with regard to the revision. Already, requests have been made by the Lincoln Park and New Mark Commons neighborhoods to give presentations in March and there will be additional discussion about the zoning revision at the ARNA annual conference.

NEXT STEPS: Submit outline to the Citizen and Board Review Committee and return to Mayor and Council in April or May for approval of the outline.

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LIST OF ATTACHMENTS:

1. Chart: Zoning Revision Topics to Amend Current Regulations